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SUBJECT: ANNUAL TRAFFICKING IN PERSONS REPORT: JAMAICA

REF: STATE 273089

1. This cable serves as Jamaica's contribution to the fifth annual Anti-Trafficking in Persons (TIP) Report.

Overview Of Anti-Tip Activities

2. Is the country a country of origin, transit or destination for international trafficked men, women, or children? Specify numbers for each group. Does the trafficking occur within the country's borders? Does it occur in territory outside of the government's control (e.g. in a civil war situation)? Are any estimates or reliable numbers available as to the extent or magnitude of the problem? Please include any numbers of victims. What is (are) the source(s) of available information on trafficking in persons? How reliable are the numbers and these sources? Are certain groups of persons more at risk of being trafficked (e.g. women and children, boys versus girls, certain ethnic groups, refugees, etc.)?

2A. Jamaica is suspected to be a country of primarily internal trafficking of children for sexual exploitation. The ILO estimated in 2001 that several hundred minors, both boys and girls, are involved in Jamaica's sex trade, and that child pornography involving trafficking victims is a concern on the island. Jamaica is also a transit country for illegal migrants moving to the U.S. and Canada, some of whom are believed to be trafficking victims. In addition, Jamaica is a destination for some foreign women working in local strip clubs. Some of them are suspected to be trafficking victims.

3. Where are the persons trafficked from? Where are the persons trafficked to?

3A. Victims of internal trafficking travel from rural areas to urban and tourist centers, where they are thought to be trafficked into prostitution. There is one documented case abroad in which Jamaica was a country of origin for trafficking. In January 2004, a U.S. federal jury convicted a New Hampshire couple on charges including forced labor and human trafficking. The victims, who were trafficked in 2000 and 2001, were four Jamaican citizens. Groups of women, including those believed to be Dominican and Russian nationals, travel to Jamaica to work in strip clubs. Their working and living conditions are unknown, and some suspect them to be trafficking victims.

4. Have there been any changes in the direction or extent of trafficking?

4A. The problem does not appear to have been exacerbated in the past year. Trafficking remains a low-level issue in Jamaica, and one of which the general public is largely unaware. Reports of trafficking activity are mostly anecdotal, and are often based on suspicious activity that appears to be consistent with trafficking.

5. Are any efforts or surveys planned or underway to document the extent and nature of trafficking in the country? Is any additional information available from such reports or surveys that was not available last year?

5A. There is no additional trafficking information available from reports or surveys published in the past year. However, international organizations and civil society groups have undertaken efforts to document the extent and nature of trafficking in Jamaica. The International Organization for Migration (IOM) has prepared a report, based on primary source information, that is in the final stages of approval and will be published in March 2005. People's Action for Community Transformation (PACT), an NGO funded by USAID, works with local women and children to educate them on the risks of sexual exploitation and human trafficking. PACT documents individual interviews with each incoming program participant, and expects to prepare a research study based on this information. Additionally, the Child Development Agency is recruiting 60 field officers to be hired and deployed across the country. Reporting from these officers is expected to provide valuable insight into trafficking activities.

16. If the country is a destination point for trafficked victims: What kind of conditions are the victims trafficked into? Are they forced to work in sweatshops, agriculture, restaurants, construction sites, prostitution, nude dancing, domestic servitude, begging, or other forms of labor, exploitation, or services? What methods are used to ensure their compliance? Are the victims subject to violence, threats, withholding of their documents, debt bondage, etc.?

6A. Trafficking is suspected primarily in cases of nude dancing and sexual exploitation (see paragraph 2A).

17. If the country is a country of origin: Which populations do the traffickers target? Who are the traffickers? What methods are used to approach victims? (Are they offered lucrative jobs, sold by their families, approached by friends of friends, etc.?) What methods are used to move the victims (e.g., are false documents being used)?

7A. In the case of four Jamaicans trafficked to the U.S. in 2000 and 2001 for labor exploitation, the traffickers came to Jamaica to recruit the men personally. The men were offered work in the U.S. as part of the H-2B temporary worker program, in which thousands of Jamaicans participate annually. Those typically recruited for this program are often unskilled and unemployed.

18. Is there political will at the highest levels of government to combat trafficking in persons? Is the government making a good faith effort to seriously address trafficking? Is there a willingness to take action against government officials linked to TIP? In broad terms, what resources is the host government devoting to combating trafficking in persons (in terms of prevention, protection, prosecution)?

8A. The Government of Jamaica has called at least one high-level meeting, attended by two cabinet-level ministers and high-ranking law enforcement officials, to address trafficking in persons. Government agencies are making good faith efforts, in the face of serious resource constraints, to combat the trafficking problem. Notably, the Ministry of Health's Bureau of Women's Affairs and the Child Development Agency, which is tasked specifically with the enforcement of the Child Care and Protection Act, are actively pursuing programs to identify and prevent cases of trafficking. For example, these groups, as well as immigration and law enforcement officers from the Ministry of National Security, have participated in anti-trafficking workshops hosted by IOM and OAS. The Child Development Agency is working closely with UNICEF to hold training courses on the implementation of the Child Care and Protection Act (see paragraph 19A).

19. Do governmental authorities or individual members of government forces facilitate or condone trafficking, or are they otherwise complicit in such activities? If so, at what levels? Do government authorities (such as customs, border guards, immigration officials, labor inspectors, local police, or others) receive bribes from traffickers or otherwise assist in their operations? What punitive measures, if any, have been taken against those individuals complicit or involved in trafficking? Please provide numbers, as applicable, of government officials involved, accused, investigated, prosecuted, convicted and sentenced.

9A. Corruption is a serious problem in Jamaica at all levels of government, and the Jamaica Constabulary Force (JCF) is not generally effective in law enforcement. However, no authorities have been known to facilitate trafficking. Given the low level of public information on the issue, a lack of awareness may be as likely as corruption to cause local authorities to be complicit in or to condone trafficking activities. To address this, members of the Jamaica Constabulary Force (JCF) are being trained on the rights of the child as provided for in the Child Care and Protection Act, and immigration officials now have the use of a passenger entry and exit system to enhance efforts to detect transnational trafficking.

10. What are the limitations on the government's ability to address this problem in practice? For example, is funding for police or other institutions inadequate? Is overall corruption a problem? Does the government lack the resources to aid victims?

10A. The government is hampered in its efforts to combat trafficking by insufficient resources and competing priorities. Staffing and funding are inadequate for the police force and the judiciary, and corruption is widespread. Violent crime is at its highest rate in the country's history. Human rights groups identified systematically poor investigative procedures and weak oversight mechanisms within the police force. However, there are existing resources that could serve to aid trafficking victims: the Bureau of Women's Affairs maintains a network of shelters, and the Child

Development Agency maintains children's & places of safety⁸ across the country.

11. To what extent does the government systematically monitor its anti-trafficking efforts (on all fronts -- prosecution, prevention and victim protection) and periodically make available, publicly or privately and directly or through regional/international organizations, its assessments of these anti-trafficking efforts?

11A. The government does not systematically monitor levels of trafficking activity in the country or its own anti-trafficking efforts. The Bureau of Women's Affairs and the Child Development Agency are aware and supportive of the activities undertaken by civil society groups and international organizations to prevent trafficking and to identify and assist victims. The government has indicated that it will appoint a single representative or body to coordinate all anti-trafficking activities, although this position has not yet been filled.

12. Is prostitution legalized or decriminalized? Specifically, are the activities of the prostitute criminalized? Are the activities of the brothel owner/operator, clients, pimps, and enforcers criminalized? If prostitution is legal and regulated, what is the legal minimum age for this activity?

12A. Prostitution is illegal, and the activities of the prostitute and the client are criminalized.

Prevention

13. Does the government acknowledge that trafficking is a problem in that country? If no, why not?

13A. The Government of Jamaica has officially accepted that it has a trafficking problem, and offers no resistance in moving forward to address the problem and prevent it from worsening. Certain agencies within the government, notably the Bureau of Women's Affairs and the Child Development Agency, have begun to combat trafficking on a working level. However, due primarily to the very low visibility and awareness on what is locally considered to be a relatively new issue, it is common for many Jamaicans to deny that there is any trafficking problem, and to dismiss any existing evidence as anecdotal.

14. Which government agencies are involved in anti-trafficking efforts?

14A. The Bureau of Women's Affairs, which is a part of the Ministry of Health, is actively involved in anti-trafficking efforts. The Child Development Agency, created in 2004 as an executive agency, is tasked with the implementation of the Child Care and Protection Act, and is also actively involved. Some immigration officers and members of the police force have attended anti-trafficking seminars hosted by IOM. Various other members of government, including the minister of health, the minister of development, and a senior law enforcement official, held a meeting in 2004 to discuss the trafficking problem.

15. Are there or have there been government-run anti-trafficking public information or public education campaigns? If so, briefly describe the campaign(s), including their objectives and effectiveness. Do these campaigns target potential trafficking victims and/or the demand for trafficking (e.g. "clients" of prostitutes or beneficiaries of forced labor)?

15A. The government has run training programs to educate certain groups on the rights of the child. However, there has not been a public education campaign focused specifically on trafficking.

16. Does the government support other programs to prevent trafficking? (e.g., to promote women's participation in economic decision-making or efforts to keep children in school.) Please explain.

16A. The Bureau of Women's Affairs and the Child Development Agency actively promote the rights of women and children, and encourage their participation in community activities and civil society programs that reduce their vulnerability and the risk of falling victim to exploitation. The Ministry of Education, in particular, focuses on programs that maintain a high level of enrollment in schools.

17. Is the government able to support prevention programs?

17A. The government is severely resource-constrained (see paragraph 10A). While willing to support prevention programs, the government seeks financial assistance to be able to do so.

118. What is the relationship between government officials, NGOs, other relevant organizations and other elements of civil society on the trafficking issue?

18A. The government welcomes efforts on the part of NGOs and other organizations to combat trafficking, and works closely with many of them. Because the government is under-resourced and faces competing priorities like violent crime and corruption, civil society groups are often better equipped to combat trafficking. Notably, the government works with IOM and UNICEF, among other groups, to combat trafficking.

119. Does the government adequately monitor its borders? Does it monitor immigration and emigration patterns for evidence of trafficking? Do law enforcement agencies respond appropriately to such evidence?

19A. In November 2004, the government instituted a border security and migration management system to monitor all international arrivals and departures at international airports and seaports. By enabling immigration officials to detect fraudulent documents and analyze migration patterns, the system assists officials to identify incidents of illegal migration and human trafficking. The project also includes important training components, including seminars on human trafficking.

120. Is there a mechanism for coordination and communication between various agencies, such as a multi-agency working group or a task force? Does the government have a trafficking in persons task force? Does the government have a public corruption task force?

20A. The government has held at least one high-level meeting, chaired by a cabinet minister, to specifically discuss the trafficking problem. The meeting, called by the minister of development, included the minister of health, an assistant commissioner of police, and representatives of at least three other agencies. Since then, the government has reported that a committee on trafficking is to be formed, but has not yet convened its first meeting. The government has also expressed an interest in a proposal by IOM to create a specialized anti-trafficking unit within the Ministry of National Security, pending funding for the project. The government established a Corruption Prevention Commission in 2004.

121. Does the government coordinate with or participate in multinational or international working groups or efforts to prevent, monitor, or control trafficking?

21A. No, the government is not involved in international anti-TIP working groups.

122. Does the government have a national plan of action to address trafficking in persons? If so, which agencies were involved in developing it? Were NGOs consulted in the process? What steps has the government taken to disseminate the action plan?

22A. No, the government has not implemented a national plan of action.

123. Is there some entity or person responsible for developing anti-trafficking programs within the government?

24A. The government has reported that it will assign a single entity, probably within the Ministry of National Security, to be responsible for coordinating anti-trafficking efforts, including monitoring cases and developing programs. This position has not yet been filled. The Child Development Agency, in accordance with the 2004 Child Care and Protection Act, will establish a Children's Advocate Office and a Children's Registry. Both have a mandate broader than trafficking, but will aid in identifying trafficking cases and the development of anti-trafficking programs.

Investigation And Prosecution Of Traffickers

125. Does the country have a law specifically prohibiting trafficking in persons--both trafficking for sexual exploitation and trafficking for non-sexual purposes (e.g. forced labor)? If so, what is the law? Does the law(s) cover both internal and external (transnational) forms of trafficking? If not, under what other laws can traffickers be prosecuted? For example, are there laws against slavery or the exploitation of prostitution by means of coercion or fraud? Are these other laws being used in trafficking cases? Are these laws, taken together, adequate to cover the full scope of trafficking in persons?

25A. There is no law specifically prohibiting trafficking in persons, but traffickers could be prosecuted for abduction, exploitation of prostitution by threats or fraud, or violating immigration law. Kidnapping and abduction laws

appear to be adequate to cover trafficking in persons. The Child Care and Protection Act, implemented in 2004, prohibits the sale or trafficking of children. Otherwise, no new legislation affecting trafficking has been enacted since last year.

126. What are the penalties for traffickers of people for sexual exploitation? For traffickers of people for labor exploitation?

26A. The penalties for the sale and trafficking of children are defined in the Child Care and Protection Act: a fine and/or a maximum of 10 years imprisonment with hard labor. Exploiting prostitution through threat of fraud carries a prison term of three years, and abduction carries a sentence of anywhere from five years to life imprisonment.

127. What are the penalties for rape or forcible sexual assault? How do they compare to the penalty for sex trafficking?

27A. Under the Offences Against the Person Act, rape is a felony punishable by life imprisonment. Attempted rape "armed with a dangerous or offensive weapon" carries a maximum sentence of 10 years. Unarmed attempted rape carries a penalty of seven years.

128. Has the Government prosecuted any cases against traffickers? If so, provide numbers of investigations, prosecutions, convictions, and sentences, including details on plea bargains and fines, if relevant and available. Are the traffickers serving the time sentenced? If no, why not? Please indicate whether the government can provide this information, and if not, why not? (Note: complete answers to this section are essential. End Note)

28A. The government has not prosecuted any cases against traffickers.

129. Is there any information or reports of who is behind the trafficking? For example, are the traffickers freelance operators, small crime groups, and/or large international organized crime syndicates? Are employment, travel and tourism agencies or marriage brokers fronting for traffickers or crime groups to traffic individuals? Are government officials involved? Are there any reports on where profits from trafficking in persons are being channeled? (e.g. armed groups, terrorist organizations, judges, banks, etc.)

29A. There is no information or reports on trafficking to determine who is behind it. Owners of local go-go clubs and strip clubs are suspected.

130. Does the government actively investigate cases of trafficking? (Again, the focus should be on trafficking cases versus migrant smuggling cases.) Does the government use active investigative techniques in trafficking in persons investigations? To the extent possible under domestic law, are techniques such as electronic surveillance, undercover operations, and mitigated punishment or immunity for cooperating suspects used by the government? Does the criminal procedure code or other laws prohibit the police from engaging in covert operations?

30A. There have not been any active investigations into trafficking on the part of law enforcement agencies.

131. Does the government provide any specialized training for government officials in how to recognize, investigate, and prosecute instances of trafficking?

31A. The government, in conjunction with UNICEF, has provided law enforcement officers and childcare professionals with training courses on the Child Care and Protection Act, which includes a prohibition against trafficking. The government has also participated in training workshops hosted by IOM and OAS.

132. Does the government cooperate with other governments in the investigation and prosecution of trafficking cases? If possible, can post provide the number of cooperative international investigations on trafficking?

32A. The only international investigation of which post is aware is the 2000-2001 case prosecuted by the U.S. Attorney in the district of New Hampshire. It is likely that the case involved a degree of international cooperation.

133. Does the government extradite persons who are charged with trafficking in other countries? If so, can post provide the number of traffickers extradited? Does the government extradite its own nationals charged with such offenses? If not, is the government prohibited by law from extraditing its own nationals? If so, what is the government doing to modify its laws to permit the extradition of its own nationals?

33A. Jamaica maintains an extradition agreement with the

United States.

134. Is there evidence of government involvement in or tolerance of trafficking, on a local or institutional level? If so, please explain in detail.

34A. No, but there may be some complicity (see paragraph 9A).

135. If government officials are involved in trafficking, what steps has the government taken to end such participation? Have any government officials been prosecuted for involvement in trafficking or trafficking-related corruption? Have any been convicted? What actual sentence was imposed? Please provide specific numbers, if available.

35A. There is some concern that corrupt immigration officials may facilitate the unauthorized international movement of people. However, the government's new computerized entry/exit system should address this problem (see paragraph 19A).

136. If the country has an identified child sex tourism problem (as source or destination), how many foreign pedophiles has the government prosecuted or deported/extradited to their country of origin? Does the country's child sexual abuse laws have extraterritorial coverage (like the U.S. PROTECT Act)?

36A. Jamaica does not have an identified child sex tourism problem.

137. Has the government signed, ratified, and/or taken steps to implement the following international instruments? Please provide the date of signature/ratification if appropriate.

-- ILO Convention 182 concerning the prohibition and immediate action for the elimination of the worst forms of child labor: Ratified 13 October 2003.

--ILO Convention 29 and 105 on forced or compulsory labor: Ratified 26 December 1962.

--The Optional Protocol to the Convention on the Rights of the Child (CRC) on the sale of children, child prostitution, and child pornography: Signed 8 September 2000.

--The Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the UN Convention Against Transnational Organized Crime: Signed 13 February 2002.

Protection And Assistance To Victims

138. Does the government assist victims, for example, by providing temporary to permanent residency status, relief from deportation, shelter and access to legal, medical and psychological services? If so, please explain. Does the country have victim care and victim health care facilities? If so, can post provide the number of victims placed in these care facilities?

38A. The government and civil society groups are equipped to provide assistance to trafficking victims. The government does not fund shelters specifically for trafficking victims, but the Bureau of Women's Affairs operates shelters for women, and the Child Development Agency operates &places of safety⁸ for at-risk children. NGOs operate programs to assist at-risk youth through vocational training and job placement.

139. Does the government provide funding or other forms of support to foreign or domestic NGOs for services to victims? Please explain.

39A. The government works closely with several NGOs, local and domestic, that help to protect the country's women and children from exploitation. The government has, in the past, provided funding directly to NGOs, but now offers more indirect support by negotiating funding from other sources.

140. Is there a screening and referral process in place, when appropriate, to transfer victims detained, arrested or placed in protective custody by law enforcement authorities to NGO's that provide short- or long-term care?

40A. Such a process is not in place; no victims have been detained, arrested, or placed in protective custody.

141. Are the rights of victims respected, or are victims also treated as criminals? Are victims detained, jailed, or deported? If detained or jailed, for how long? Are victims fined? Are victims prosecuted for violations of other laws, such as those governing immigration or prostitution?

41A. Not applicable; no victims have been detained, jailed,

or deported.

142. Does the government encourage victims to assist in the investigation and prosecution of trafficking? Can victims file civil suits or seek legal action against the traffickers? Does anyone impede the victims' access to such legal redress? If a victim is a material witness in a court case against the former employer, is the victim permitted to obtain other employment or to leave the country? Is there a victim restitution program?

42A. Not applicable; no traffickers have been prosecuted.

143. What kind of protection is the government able to provide for victims and witnesses? Does it provide these protections in practice? How many shelters does the government run or fund (in full or in part)? How much funding does the government provide for shelters?

43A. The government does not fund shelters specifically for trafficking victims, but the Bureau of Women's Affairs operates shelters for women, and the Child Development Agency operates &places of safety8 for at-risk children.

144. Does the government provide any specialized training for government officials in recognizing trafficking and in the provision of assistance to trafficked victims, including the special needs of trafficked children? Does the government provide training on protection and assistance to its embassies and consulates in foreign countries that are destination or transit countries? Does it urge those embassies and consulates to develop ongoing relationships with NGOs that serve trafficked victims?

44A. Government officials have attended four training sessions in the past year that were hosted by IOM. In addition, the government has begun to train officials, including in law enforcement agencies, on the rights of children as defined by the 2004 Child Care and Protection Act. The training and technical expertise are provided by UNICEF.

145. Does the government provide assistance, such as medical aid, shelter, or financial help, to its repatriated nationals who are victims of trafficking?

45A. There is only one case on record, in 2000-2001, in which Jamaican nationals were identified as victims of international trafficking. The treatment and status of these victims in Jamaica is unknown.

146. Which international organizations or NGOs, if any, work with trafficking victims? What type of services do they provide? What sort of cooperation do they receive from local authorities?

46A. Several NGOs have begun to work with young women and children to educate them about the risks of sexual exploitation. People's Action for Community Transformation is a USAID-funded membership organization with partners throughout the country that offer numeracy, literacy, and vocational training programs and job placement to prevent vulnerable people from falling victim to trafficking and exploitation. Other groups operating similar programs include the Western Society for the Upliftment of Children, Children First, North Street United Church, and Church Action Negril. Local authorities encourage these activities.

147. The principal drafter for this year's TIP Report for Jamaica is Political Officer, Geoff Siebengartner.

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